

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MONSANTO COMPANY and
MONSANTO TECHNOLOGY LLC,

Plaintiffs,

VS.

E.I. DUPONT DE NEMOURS AND
COMPANY and PIONEER HI-BRED
INTERNATIONAL, INC.,

Defendants.

Case No. 4:09-cv-00686-ERW

**MONSANTO'S CERTIFICATION OF COMPLIANCE WITH THIS COURT'S
ORDERS OF MAY 10, 2011 AND AUGUST 23, 2011**

Pursuant to the Court's May 10, 2011 and August 23, 2011 orders, Monsanto hereby certifies as follows:

1. As directed by the Court, Monsanto has re-reviewed documents previously withheld as attorney-client privileged on its privilege logs for documents that reflect the role of the PCT application in Monsanto's decision to seek reissuance of the '435 patent. Monsanto has produced to Defendants all of the documents within the scope of the Court's May 10, 2011 and August 23, 2011 orders. Monsanto therefore certifies that it is in compliance with the May 10, 2011 and August 23, 2011 orders.

2. With respect to the Court’s specific comments on page 3 of its August 23, 2011 order, Monsanto certifies that it has produced all documents within the scope of the May 10, 2011 order that “refute” any “claim about the relative insignificance of the PCT application in its decision to file for reissue.” (Dkt. 837 at 3.) Monsanto further states that it did not make any claim about the “relative insignificance” of the PCT application in the decision to file for reissue.

In the portion of Monsanto's prior briefing that the Court cited, Monsanto was explaining the nature of the reissue "error," and it did not intend to diminish the role that the PCT application played in the decision to seek reissue. (Dkt. 814 at 7.)

3. With respect to the Court's specific comments on page 4 of its August 23, 2011 order (Dkt. 837 at 3), Monsanto certifies that it has re-reviewed the two emails that were not produced for the Court's *in camera* review, and has confirmed that those emails did not contain redacted information about the role of the PCT application in the decision to seek reissue. Monsanto further states that the reason why those emails were not produced for the Court's *in camera* review was that Monsanto did not understand Defendants to be alleging those two documents in particular had been redacted improperly.

Dated: September 6, 2011

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 6th day of September, 2011, the foregoing was filed electronically with the Clerk of the Court for the United States District Court for the Eastern District of Missouri, Eastern Division, and was served by operation of that Court's electronic filing system, upon the following:

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